

Title 76, Chapter 5, Part 3 Kidnapping, Trafficking, and Smuggling

Current statute	Change language	New statute
<p>76-5-301. Kidnapping.</p> <p>(1)(a) <u>As used in this section:</u></p> <p>(i) <u>"Against the will of an individual" includes without the consent of the legal guardian or custodian of an individual who is a mentally incompetent person.</u></p> <p>(ii) <u>"Minor" means an individual who is 14 years old or older but younger than 18 years old.</u></p> <p>(b) <u>Terms defined in Section 76-1-101.5 apply to this section.</u></p> <p>(2) An actor commits kidnapping if the actor intentionally or knowingly, without authority of law, and against the will of <u>[the victim] an individual</u> :</p> <p>(a) detains or restrains the <u>[victim] individual</u> for any substantial period of time;</p> <p>(b) detains or restrains the <u>[victim] individual</u> in circumstances exposing the <u>[victim] individual</u> to risk of bodily injury;</p> <p>(c) holds the <u>[victim] individual</u> in involuntary servitude;</p> <p>(d) detains or restrains a minor without the consent of the minor's parent or legal guardian or the consent of a person acting in loco parentis[-if the minor is 14 years of age or older but younger than 18 years of age]; or</p>	<p>Language from Section 76-5-111</p> <p>(f)(i) "Dependent adult" means an individual 18 years old or older, who has a physical or mental impairment that restricts the individual's ability to carry out normal activities or to protect the individual's rights.</p> <p>(ii) "Dependent adult" includes an individual who has physical or developmental disabilities or whose physical or mental capacity has substantially diminished because of age.</p> <p>(d) "Caretaker" means a person or public institution that is entrusted with or assumes the responsibility to provide a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care, or other necessities for pecuniary gain, by contract, or as a result of friendship, or in a position of trust and confidence with a vulnerable adult, including a relative, a household member, an attorney-in-fact, a neighbor, a person who is employed or who provides volunteer work, a court-appointed or voluntary guardian, or a person who contracts or is under court order to provide</p>	<p>76-5-301. Kidnapping.</p> <p>(1)(a) <u>As used in this section:</u></p> <p>(i) <u>"Against the will of an individual" includes without the consent of the legal guardian, caretaker or custodian of an individual who is a dependent adult.</u></p> <p>(ii) <u>"Minor" means an individual who is 14 years old or older but younger than 18 years old.</u></p> <p>(iii) "Dependent adult" means the same as that term is defined in Section 76-5-111.</p> <p>(b) <u>Terms defined in Section 76-1-101.5 apply to this section.</u></p> <p>(2) An actor commits kidnapping if the actor intentionally or knowingly, without authority of law, and against the will of <u>[the victim] an individual</u> :</p> <p>(a) detains or restrains the <u>[victim] individual</u> for any substantial period of time;</p> <p>(b) detains or restrains the <u>[victim] individual</u> in circumstances exposing the <u>[victim] individual</u> to risk of bodily injury;</p> <p>(c) holds the <u>[victim] individual</u> in involuntary servitude;</p> <p>(d) detains or restrains a minor without the consent of the minor's parent or legal guardian or the consent of a</p>

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<p>(e) moves the <u>[victim] individual</u> any substantial distance or across a state line.</p> <p>[(2) As used in this section, acting "against the will of the victim" includes acting without the consent of the legal guardian or custodian of a victim who is a mentally incompetent person.]</p> <p>(3) <u>[Kidnapping] A violation of Subsection (2)</u> is a second degree felony.</p>	<p>care.</p> <p>(t) "Vulnerable adult" means an elder adult, or a dependent adult who has a mental or physical impairment which substantially affects that individual's ability to:</p> <p>(i) provide personal protection;</p> <p>(ii) provide necessities such as food, shelter, clothing, or medical or other health care;</p> <p>(iii) obtain services necessary for health, safety, or welfare;</p> <p>(iv) carry out the activities of daily living;</p> <p>(v) manage the adult's own resources; or</p> <p>(vi) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.</p>	<p>person acting in loco parentis[-if the minor is 14 years of age or older but younger than 18 years of age]; or</p> <p>(e) moves the <u>[victim] individual</u> any substantial distance or across a state line.</p> <p>[(2) As used in this section, acting "against the will of the victim" includes acting without the consent of the legal guardian or custodian of a victim who is a mentally incompetent person.]</p> <p>(3) <u>[Kidnapping] A violation of Subsection (2)</u> is a second degree felony.</p>

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<p>76-5-303.5. Notification of conviction of custodial interference.</p> <p>(1) As used in this section:</p> <p>(a) "Convicted" means that [a person] <u>an individual</u> has received a conviction.</p> <p>(b) "Conviction" is as defined in Section 53-3-102.</p> <p>(2) If [a person] <u>an individual</u> is convicted of custodial interference under Section 76-5-303, the court shall notify the Driver License Division, created in Section 53-3-103, of the conviction, and whether the conviction is for:</p> <p>(a) a class B misdemeanor, under Subsection 76-5-303(3);</p> <p>(b) a class A misdemeanor, under Subsection 76-5-303(4); or</p> <p>(c) a felony, under Subsection 76-5-303(5).</p>	<p>Language from Section 77-36-1.1</p> <p>(i) "Convicted" means a conviction by plea or verdict of a crime or offense.</p> <p>(ii) "Convicted" includes:</p> <p>(A) a plea of guilty or guilty and mentally ill;</p> <p>(B) a plea of no contest; and</p> <p>(C) the acceptance by the court of a plea in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.</p>	<p>76-5-303.5. Notification of conviction of custodial interference.</p> <p>(1) As used in this section:</p> <p>(a) "Convicted" means [that a person has received a conviction.] <u>a conviction by plea or verdict or adjudication in juvenile court of a crime or offense.</u></p> <p>(ii) <u>"Convicted" includes:</u></p> <p><u>(A) a plea of guilty or guilty and mentally ill;</u></p> <p><u>(B) a plea of no contest; and</u></p> <p><u>(C) the acceptance by the court of a plea in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.</u></p> <p>[(b) "Conviction" is as defined in Section 53-3-102.]</p> <p>(2) If [a person] <u>an individual</u> is convicted of custodial interference under Section 76-5-303, the court shall notify the Driver License Division, created in Section 53-3-103, of the conviction, and whether the conviction is for:</p> <p>(a) a class B misdemeanor, under Subsection 76-5-303(3);</p> <p>(b) a class A misdemeanor, under Subsection 76-5-303(4); or</p> <p>(c) a felony, under Subsection 76-5-303(5).</p>